

**Richmond L. Williams**  
Chief Counsel - Environmental Litigation  
Law Department

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SUPERFUND DIV.  
DIRECTOR'S OFC.

**Ashland Inc.**  
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Wilmington, DE  
Phone: 302-594-7020; Fax: 302-594-7038  
or 302-594-7315  
rlwilliams@ashland.com

May 28, 2015

**VIA FEDERAL EXPRESS**

Kenneth Talton  
Enforcement Officer  
Superfund Enforcement Assessment Section (6SF-TE)  
United State Environmental Protection Agency, Region 6  
1445 Ross Avenue, Suite 1200  
Dallas, Texas 75202-2733

Re: SBA Shipyard Superfund Site

Dear Mr. Talton:

The following is in response to the U.S. Environmental Protection Agency's ("EPA") Request for Information ("RFI") directed to Ashland Petroleum Company ("APC") and Ashland Oil Company ("AOC") c/o Ashland Inc. ("Ashland") regarding the SBA Shipyard Superfund Site ("Site") located at 9040 Castex Landing Road, Jennings, Louisiana.

Ashland Oil and Refining Company was incorporated in Kentucky on October 22, 1936. It changed its name to Ashland Oil, Inc. on February 2, 1970. It later changed its name to Ashland Inc. on January 27, 1995. APC was an unincorporated division of Ashland. Accordingly, the responses to this RFI are being submitted on behalf of Ashland.

In 1998, Ashland and Marathon Oil formed a joint venture called Marathon Ashland Petroleum, LLC ("MAP"). At that time, the assets that were contained in APC and AOC were contributed to MAP. All records relating to those businesses were transferred to MAP. On June 30, 2005, Ashland transferred its interest in MAP to Marathon Oil Corporation and all records remained with MAP. Accordingly, documents relating to APC and AOC are no longer within Ashland's possession, custody, or control. Upon information and belief if they still exist, such records would be in the possession of Marathon Oil Company.

Ashland understands that the RFI is intended to seek information and records including, but not limited to, any dealings or transactions that Ashland have or had with the Site, Louis Smailhall, Suzanne Smailhall, LEEVAC Shipyards, Inc., n/k/a Bunge Street Properties, LLC, and LEEVAC Industries, LLC n/k/a LEEVAC Shipyards Jennings, LLC ("Site Related Entities"). Ashland understands the Site operated from 1965 to 1993 ("Relevant Time Period"). Accordingly, it has limited its search for information and records regarding the Site to the Relevant Time Period. However, Ashland did not limit its search regarding the Site Related Entities and searched for all currently available records.

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United State Environmental Protection Agency, Region 6  
Request for Information Re: SBA Shipyard Superfund Site  
May 28, 2015

As you may know, Ashland participated as a member company of SSIC Remediation, L.L.C. ("SSIC"). On December 9, 2002, SSIC entered into an Order and Agreement ("Agreement") for Interim Measures/Removal Action ("IM/RA") of Hazardous/Principal Threat Wastes at the Site (ASH00001 to ASH00017) with EPA to perform certain clean-up activities at the Site. In 2005, EPA deemed that cleanup activities at the Site were successfully completed pursuant to the Agreement, and SSIC member companies would not be called upon or required to make further contribution towards any additional clean-up activities at the Site (ASH00018 to ASH00020). Further, the Provision No. 5 of the Agreement states:

"The parties agree, and by entering into this Agreement EPA intends, that SBA, its President, Mr. Louis Smailhall, SSIC and the members of SSIC are entitled, as of the effective date of this Agreement, to protection from contribution actions or claims for the actions or matters addressed by Section 3008(h) of RCRA and memorialized by this Agreement."

In 1997, Ashland formalized its corporate Records and Information Management Policy (ASH00021 to ASH00024) to maintain a system to ensure the proper maintenance and disposition of its records and documents. Pursuant to the Policy, records are retained as long as required for (a) business operations or archival purposes or (b) to satisfy legal or regulatory obligations, as reflected in the Records Management Master Schedule. Once the retention period for a record has expired, the record is disposed of. The retention period for information and records sought by EPA dating back fifty (50) years may have expired.

In responding to the RFI, Ashland has undertaken a diligent and good faith effort to obtain and review all available current and archived corporate records known to exist at this time that may contain information responsive to this RFI. Ashland's response was prepared from information gathered from available corporate records and publicly available information. Ashland supplemented that information by consulting employees with knowledge of Ashland's business. The results of such review are described below.

## **GENERAL OBJECTIONS**

Ashland asserts the following general objections to the RFI and reserves all rights, defenses, privileges, protections and objections with respect to its responses to the RFI. Ashland incorporates by reference the foregoing general objections into each of its responses to the individual information requests to the extent applicable, and will therefore not restate such objection within all individual responses.

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Request for Information Re: SBA Shipyard Superfund Site  
May 28, 2015

1. Ashland objects to the RFI to the extent that it seeks information that is not in Ashland's possession, custody or control. Subject to this objection, Ashland has reviewed information currently available to Ashland and relevant to the RFI. Ashland expressly states that its response to the RFI is limited by the current availability of information, and reserves the right to supplement, modify and/or amend its response if new or additional information becomes available.
2. Ashland objects to the RFI to the extent documents and/or information requested seek attorney/client communications, work product or any other documents or information protected from disclosure pursuant to any applicable privilege. Ashland specifically reserves all rights to assert legally recognized privileges to protect against the disclosure of information including, without limitation, the attorney-client privilege and the protection from disclosure pursuant to the work product doctrine. Ashland does not waive any such right or privilege by its response to the RFI, and hereby specifically asserts such privileges and protections as applicable. The inadvertent disclosure of privileged documents, or disclosure of documents labeled as privileged but initially deemed to be mislabeled, shall not waive any applicable privilege available to Ashland.
3. Ashland objects to any requirement to produce documents or information already in the possession of USEPA, Region 6, or of another government agency or is otherwise already in the public domain.
4. Based upon its review of the RFI, Ashland regards individual components of the RFI as vague or ambiguous. By way of example only, the RFI is vague or ambiguous to the extent that it does not define various terms or purports to define terms other than by their commonly understood meaning. Ashland specifically states that it has provided responses to the RFI based upon its understanding of the requests and the common usage of specific terms not otherwise defined.
5. Ashland objects to the extent that the RFI, including the "Instructions" contained therein, purports to impose on Ashland's obligations beyond those established under the authority of Section 104(e). Authority under Section 104(e) authorizes USEPA to seek information relating to the following: (A) the identity, nature and quantity of materials that may have been treated, stored, or disposed of at a vessel or facility or transported to a vessel or facility, (B) the nature and extent of a release or threatened release or a hazardous substance or pollutant or contaminant at or from a vessel or facility and (C) information relating to the ability of a person to pay for or to perform a cleanup.

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Request for Information Re: SBA Shipyard Superfund Site  
May 28, 2015

6. Ashland objects to the RFI's definition of "documents" to the extent it extends to documents not in Ashland's possession, custody, or control. Ashland disclaims any responsibility to search for, locate, and provide EPA copies of any documents not in Ashland's possession, custody, or control.
7. Ashland objects to the definition of "you," "yours" and "Respondent" because the terms are overbroad and it is not possible for Ashland to answer questions on behalf of all the persons and entities identified therein.

#### **EPA's General Information Requests and Ashland's Responses**

1. Provide the full legal name and mailing address of the Respondent.

**Response:**

Ashland Inc.  
50 East RiverCenter Blvd.  
Covington, KY 41012

2. Identify and provide the full name, title, business address, and business telephone number for each person answering these questions on behalf of the Respondent, and each person(s) that was relied on or consulted with in the preparation of the answer.

**Response:**

Richmond L. Williams  
Chief Counsel, Environmental Litigation  
Ashland Inc.  
500 Hercules Road  
Wilmington, DE 19808  
302.594.7020 (phone)  
[rlwilliams@ashland.com](mailto:rlwilliams@ashland.com)

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Request for Information Re: SBA Shipyard Superfund Site  
May 28, 2015

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Sr. Real Estate Specialist, Corporate Real Estate  
Ashland Inc.  
\*Ms. Mitchell may be contacted through Richmond L. Williams

Julie Heckman  
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Matt E. Kalat  
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Request for Information Re: SBA Shipyard Superfund Site  
May 28, 2015

3. If Respondent wishes to designate an individual for all future correspondence concerning this Site, including legal notices, please provide the individual's name, address and telephone number.

**Response:**

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Ashland Inc.  
500 Hercules Road  
Wilmington, DE 19808  
302.594.7020 (phone)  
[rlwilliams@ashland.com](mailto:rlwilliams@ashland.com)

With copies to:

Mary A. Donahue  
Senior Paralegal  
Ashland Inc.  
5200 Blazer Parkway  
Dublin, OH 43026  
614.790.3319 (phone)  
[madonahue@ashland.com](mailto:madonahue@ashland.com)

4. If Respondent is a business, please give a brief description of the nature of the business.

**Response:**

Ashland is a global specialty chemical company.

**EPA's Requests for Documents and Ashland's Responses**

1. Please identify any dealings or transactions you have or had with SBA Shipyard, Inc., Louis Smailhall, Suzanne Smailhall, LEEVAC Shipyards, Inc., n/k/a Bunge Street Properties, LLC, and LEEVAC Industries, LLC n/k/a LEEVAC Shipyards Jennings, LLC. Please provide a brief description of the nature of those dealings or transactions and the timeframe during which those dealings and transactions occurred.

Kenneth Talton  
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United State Environmental Protection Agency, Region 6  
Request for Information Re: SBA Shipyard Superfund Site  
May 28, 2015

- a. Specifically, provide dates of when you sent or moved something to the Site and the name and contact information of the person who made such arrangement.

**Response:**

In addition to the General Objections set forth above, Ashland objects to Question No. 1 on the basis that the question is outside the scope of Section 104(e) to the extent that it seeks information that does not relate to a release or threat of release of hazardous substances to the environment at the Site. Also, the terms "dealings" and "moved" are ambiguous.

Notwithstanding the foregoing, and without any waiver of its objections, Ashland states that it located a list provided by the Site identifying information involving fifteen (15) barges that were allegedly sent to the Site by APC between 1987 and 1995 (ASH00025 to ASH00026). Among other things, the list identifies the barge cargoes as petroleum products which fall under CERCLA'S petroleum exclusion.

After a diligent search and review of Ashland's records known to exist at this time and consulting with its employees, it has not located any independent records or information that Ashland had any business relationship with the Site, Louis Smailhall, Suzanne Smailhall, LEEVAC Shipyards, Inc., n/k/a Bunge Street Properties, LLC, and LEEVAC Industries, LLC n/k/a LEEVAC Shipyards Jennings, LLC.

Documents relating to APC and AOC are no longer within Ashland's possession, custody, or control. Upon information and belief if they still exist, such records would be in the possession of Marathon Oil Company.

2. Please provide any and all documents in your possession that are related to the dealings and transactions detailed in Question 1 above.

**Response:**

See ASH00025 to ASH00026 which is a list provided by the Site identifying information involving fifteen (15) barges that were allegedly sent to the Site by APC between 1987 and 1995. Among other things, the list identifies the cargoes as petroleum products and fall under CERCLA'S petroleum exclusion.



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Request for Information Re: SBA Shipyard Superfund Site  
May 28, 2015

3. If any of the dealings or transactions described involve hazardous materials, please include a detailed listing of such materials, the material safety data sheets, dates of transaction, and any quantity associated with those materials.

**Response:**

See ASH00025 to ASH00026. Ashland is unable to locate material safety data sheets or other records regarding the petroleum products identified on ASH00019 to ASH00020 other than material safety data sheets for "Cumene" (see ASH00083 to ASH00129).

4. Please describe in detail any involvement you had with the 2002 RCRA Interim Measures/Removal Action (IM/RA) at the Site. Please provide any and all documents in your possession related to the IM/RA, including, but not limited to, a list of the parties involved in the IM/RA.

**Response:**

Ashland participated as a member company of SSIC Remediation, L.L.C. ("SSIC"). On December 9, 2002, SSIC entered into an Order and Agreement ("Agreement") for Interim Measures/Removal Action ("IM/RA") of Hazardous/Principal Threat Wastes at the Site (ASH00001 to ASH00017) with EPA to perform certain clean-up activities. In 2005, EPA deemed that cleanup activities at the Site were successfully completed pursuant to the Agreement. Further, EPA indicated that SSIC member companies would not be called upon or required to make further contribution towards any additional clean-up activities at the Site (ASH00018 to ASH00020).

5. Please provide the names, title, and contact information of anyone, including, but not limited to, employees, who may possess knowledge and information regarding this Site and/or your own business operations.

**Response:**

In addition to the General Objections set forth above, Ashland objects to Question No. 5 on the basis that the question is overbroad in scope, unauthorized by law, and unduly burdensome. Ashland is a diversified business entity with global operations dating back before the 1920s, including various divisions, subsidiaries and affiliates, including entities acquired through various corporate acquisitions. The request seeks information that is far beyond that which is needed to determine: (A) the identification, nature, and quantity of materials which have been or are



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United State Environmental Protection Agency, Region 6  
Request for Information Re: SBA Shipyard Superfund Site  
May 28, 2015

generated, treated, stored, or disposed of at a vessel or facility or transported to a vessel or facility; (B) the nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from a vessel or facility; and (C) information relating to the ability of a person to pay for or to perform a cleanup.

Ashland does not have any information responsive to the appropriate scope of this request other than that contained in ASH00025 to ASH00082.

Documents relating to APC and AOC are no longer within Ashland's possession, custody, or control. Upon information and belief if they still exist, such records would be in the possession of Marathon Oil Company.

6. Identify all of the individuals who currently have and those who have had responsibility for the Respondent's environmental matters (e.g., responsibility for the disposal, treatment, storage, recycling, or sale of the Respondent's wastes). This information shall include, but not limited to, the following:
  - a. Each individual's job title and duties (including the dates performing those duties).
  - b. The supervisors for such duties,
  - c. The current position of the date of the individual's resignation, and
  - d. The nature of the information possessed by such individuals concerning the Respondent's waste management.
  - e. The contact information of the individual.

**Response:**

In addition to the General Objections set forth above, Ashland objects to Question No. 6 on the basis that the question is overbroad in scope, unauthorized by law, and unduly burdensome. Ashland is a diversified business entity with global operations dating back before the 1920s, including various divisions, subsidiaries and affiliates, including entities acquired through various corporate acquisitions. The request seeks information that is far beyond that which is needed to determine: (A) the identification, nature, and quantity of materials which have been or are generated, treated, stored, or disposed of at a vessel or facility or transported to a vessel or facility; (B) the nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from a vessel or facility; and (C) information relating to the ability of a person to pay for or to perform a cleanup.

Kenneth Talton  
Enforcement Officer  
Superfund Enforcement Assessment Section (6SF-TE)  
United State Environmental Protection Agency, Region 6  
Request for Information Re: SBA Shipyard Superfund Site  
May 28, 2015

Documents relating to APC and AOC are no longer within Ashland's possession, custody, or control. Upon information and belief if they still exist, such records would be in the possession of Marathon Oil Company.

7. Does the Respondent's company or business have a permit(s) issued under RCRA? If so, provide a copy(ies) of the permit(s).

**Response:**

In addition to the General Objections set forth above, Ashland objects to Question No. 7 on the basis that the question is overbroad in scope, unauthorized by law, and unduly burdensome. Ashland is a diversified business entity with global operations dating back before the 1920s, including various divisions, subsidiaries and affiliates, including entities acquired through various corporate acquisitions. The request that Ashland provide permits issued under RCRA to Ashland seeks information far beyond that is needed to determine: (A) the identification, nature, and quantity of materials which have been or are generated, treated, stored, or disposed of at a vessel or facility or transported to a vessel or facility; (B) the nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from a vessel or facility; and (C) information relating to the ability of a person to pay for or to perform a cleanup.

Notwithstanding the foregoing, and without any waiver of its objections Ashland states that it complies with all federal, state and local permit and/or registration requirements for the transport and/or disposal of materials.

Documents relating to APC and AOC are no longer within Ashland's possession, custody, or control. Upon information and belief if they still exist, such records would be in the possession of Marathon Oil Company.

8. Provide all Resource Conservation and Recovery Act (RCRA) Identification Numbers issued to Respondent by EPA or a state for Respondent's operations.

**Response:**

In addition to the General Objections set forth above, Ashland objects to Question No. 8 on the basis that the question is overbroad in scope, unauthorized by law, and unduly burdensome. Ashland is a diversified business entity with global operations dating back before the 1920s, including various divisions, subsidiaries and affiliates, including entities acquired through various corporate acquisitions. Ashland has also divested a number of businesses in the 35 years since the RCRA Identification Number requirements became law. The request that Ashland provide all RCRA Identification Numbers issued to Ashland seeks information far beyond that is needed to determine: (A) the identification, nature, and quantity of materials which have been or are generated, treated, stored, or disposed of at a vessel or facility or transported to a vessel or

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United State Environmental Protection Agency, Region 6  
Request for Information Re: SBA Shipyard Superfund Site  
May 28, 2015

facility; (B) the nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from a vessel or facility; and (C) information relating to the ability of a person to pay for or to perform a cleanup.

Notwithstanding the foregoing, and without any waiver of its objections Ashland states that it complies with all federal, state and local permit and/or registration requirements for the transport and/or disposal of materials.

Documents relating to APC and AOC are no longer within Ashland's possession, custody, or control. Upon information and belief if they still exist, such records would be in the possession of Marathon Oil Company.

9. Does the Respondent's company business have, or has it ever had, a permit(s) under the hazardous waste laws of the State? If so, provide a copy(ies) of the permit(s).

**Response:**

In addition to the General Objections set forth above, Ashland objects to Question No. 9 on the basis that the question is overbroad in scope. In addition to the General Objections set forth above, Ashland objects to Question No. 8 on the basis that the question is overbroad in scope, unauthorized by law, and unduly burdensome. Ashland is a diversified business entity with global operations dating back before the 1920s, including various divisions, subsidiaries and affiliates, including entities acquired through various corporate acquisitions. Ashland has also divested a number of businesses in the 35 years since the RCRA Identification Number requirements became law. The request that Ashland provide all RCRA Identification Numbers issued to Ashland seeks information far beyond that is needed to determine: (A) the identification, nature, and quantity of materials which have been or are generated, treated, stored, or disposed of at a vessel or facility or transported to a vessel or facility; (B) the nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from a vessel or facility; and (C) information relating to the ability of a person to pay for or to perform a cleanup.

Notwithstanding the foregoing, and without any waiver of its objections Ashland states that it complies with all federal, state and local permit and/or registration requirements for the transport and/or disposal of materials.

Documents relating to APC and AOC are no longer within Ashland's possession, custody, or control. Upon information and belief if they still exist, such records would be in the possession of Marathon Oil Company.

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United State Environmental Protection Agency, Region 6  
Request for Information Re: SBA Shipyard Superfund Site  
May 28, 2015

10. Does the Respondent's company business have an EPA Identification Number, or an identification number supplied by the State? If so, supply any such identification number(s).

**Response:**

See Ashland's response to Question No. 8.

11. Identify all federal, state, and local offices and agencies to which the Respondent has sent or filed hazardous substance or hazardous waste information and state the years during which such information was sent or filed.

**Response:**

In addition to the General Objections set forth above, Ashland objects to Question No. 11 on the basis that the question is overbroad in scope, unauthorized by law, and unduly burdensome. Ashland is a diversified business entity with global operations dating back before the 1920s, including various divisions, subsidiaries and affiliates, including entities acquired through various corporate acquisitions. The request that Ashland provide all RCRA Identification Numbers issued to Ashland seeks information far beyond that is needed to determine: (A) the identification, nature, and quantity of materials which have been or are generated, treated, stored, or disposed of at a vessel or facility or transported to a vessel or facility; (B) the nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from a vessel or facility; and (C) information relating to the ability of a person to pay for or to perform a cleanup.

Notwithstanding the foregoing, and without any waiver of its objections Ashland states that it complies with all federal, state and local permit and/or registration requirements for the transport and/or disposal of materials.

Documents relating to APC and AOC are no longer within Ashland's possession, custody, or control. Upon information and belief if they still exist, such records would be in the possession of Marathon Oil Company.

12. Provide copies of all documents created or kept by the Respondent related to the nature, quantify, or source of materials taken to the Site

**Response:**

See ASH00025 to ASH00082 for lists provided to Ashland by the Site allegedly identifying information regarding material sent to the Site.

Kenneth Talton  
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United State Environmental Protection Agency, Region 6  
Request for Information Re: SBA Shipyard Superfund Site  
May 28, 2015

13. If barges were placed or disposed at the Site, provide the following information:

- a. Where they were placed or disposed, and
- b. Their condition when placed or disposed.

**Response:**

Ashland does not have any information responsive to this request other than that contained in ASH00025 to ASH00082.

14. Identify other individuals and entities that the Respondent has reason to believe may have taken or sent materials to the Site. Of these individuals and entities, specify which were observed by the Respondent at the Site and indicate when those observations were made. Provide all of the information known by the Respondent regarding the customers of these entities or individuals.

**Response:**

Ashland objects to the term "observe" as ambiguous. Ashland does not have any information responsive to this request other than that contained in ASH00025 to ASH00082.

In replying to this RFI, Ashland has not, and shall not be deemed to have admitted any liability or responsibility with respect to the Site, the subject matter of the RFI or any other matter. Ashland also reserves the right to supplement its response to this RFI.<sup>1</sup>

If you have any questions concerning any response herein, please contact me.

Sincerely,



Richmond L. Williams

Enclosures

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<sup>1</sup> In particular, to the extent evidence comes to light of any relations between the Site, APD and/or AOC, virtually all materials received or produced by APC and/or AOC fall under CERCLA's petroleum exclusion.